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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,184	01/02/2002	David I. Poisner	42390.P12974	6681

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EXAMINER

PHAN, THANH S

ART UNIT PAPER NUMBER

2841

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

**Office Action Summary**

Application No.

10/037,184

Applicant(s)

POISNER, DAVID I.

Examiner

Thanh S. Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5 and 48-60 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-3, 5 and 48-60 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5 and 48-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunstan [US 5,714,870].

Regarding claims 48-60, Dunstan discloses an electronic device configured for monitoring power consumed while said device is in a reduced power condition, comprising an electrical energy storage unit powering said device, a processor, a memory, a display device and a power consumption monitor, said power consumption monitor including means for respectively determining when said electronic device enters and exits the reduced-power state, a means for determining a charge capacity of said electrical energy storage unit before and after said electronic device is in the reduced power state, a means for determining a period of time for calculating charge capacity lost by said electrical energy storage unit during the period of time that the electronic device is in the reduced power state [column 9, lines 27-41]. Dunstan discloses the claim invention except for explicitly mentioned that the entering time is stored in the chip. The examiner takes official notice that it is well known to use chips to store data/information in the micro-processing environment such as notebook computer. It would have been obvious to one of ordinary skill in the art at time of the invention was

made to store data in a chip or a memory means in Dunstan to facilitate rapid access to stored data for calculations purpose.

Regarding claims, 1-3 and 5, the method steps are necessitated by the apparatus structure.

### ***Response to Arguments***

Applicant's arguments filed 03/08/05 have been fully considered but they are not persuasive. The applicant has emphasized that Dunstan fails to teach an apparatus/method **reading** a time of exiting a reduced power consumption state **prior to** an execution of **an interrupt** routine; **storing the time of exiting** the reduced power consumption state **in a register**; and **calculating** a reduced power consumption state duration **based on the time** of exiting the reduced power consumption state **stored in the register**. As stated in the above rejections, Dunstan discloses such invention.

Dunstan disclose in Fig. 3 a flow chart illustrating a method for determining suspend-time power consumption for an electronic device comprising the step of **reading** a time of exiting a reduced power consumption state **prior to** an execution of **an interrupt** routine [the suspended state is interrupted as being ended, a time is read in step 160]; and in step 170 the **stored** time is retrieve for **calculating** capacity loss based on the unit of time [step 180]. As teaches by Dunstan and acknowledge by applicant on page 7 of the Remarks, the data is stored in components such as EEPROM or CMOS RAM. As defined by the Merriam-Webster's Collegiate Dictionary, Tenth Edition [page 984]

register: "...a device (as in a computer) for storing small amounts of data; esp: one in which data can be both stored and operated on"

Under the current definition, the storing devices teaches by Dunstan and applicant's acknowledgements in the Remarks currently read on the **register** as claimed.

For the foregoing reasons, claims 1-3, 5 and 48-60 continue to be anticipated by Dunstan. Accordingly, the examiner's rejection is upheld.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

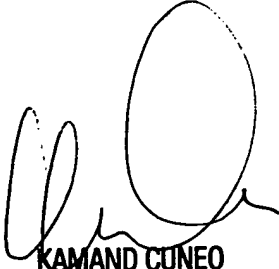
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp



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